HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

W.P. NO.11370 OF 2006

Between:
A.P.Pollution Control Board

.....Petitioner

AND

M/s. Sova Industries and others

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : Sri S.V.Bhatt

Counsel for Respondent No.1 : Sri J.M.Naidu

Counsel for Respondent No. 2 : Sri K.Mohanrami Reddy for

Sri M.Sreeramula Reddy

Counsel for Respondent No. 3 : None

Counsel for Respondent No.4 : Government Pleader for

Forests.

Dated 30/6/2006

Per Sri G.S.Singhvi, CJ

This petition is directed against order dated 16.5.2006 passed by the Appellate Authority constituted under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 insofar as liberty given to respondent No.1 M/s. Sova Industries to continue its operation for a period of three months.

At the commencement of hearing, learned counsel for respondent No.1 made a statement that his client has closed down the industry. He however submitted that the Court may direct the State Government to consider the application, which may be made by his client for allotment of alternative site for setting up industrial unit.

Sri SV Bhatt, learned counsel appearing for the petitioner says that he is not in a position to controvert the statement of
Sri J.M.Naidu insofar as closure of the industry is concerned.

Learned Special Government Pleader appearing for the State says that as and when respondent No.1 makes an application for allotment of alternative site, the same would be considered and decided in accordance with law and the policy of the Government.

In view of the statements made by learned counsel for the parties and particularly the statement of learned counsel for respondent No.1 that his client has closed down the industry, the writ petition is disposed of as infructuous. However, liberty is given to respondent No.1 to make an application to the competent authority of the State Government for allotment of alternative site. We also direct that the application, if any filed on behalf of respondent No.1 for allotment of alternative site shall be dealt with and decided by the competent authority as early as possible, but latest within a period of three months. At the same time, it is made clear that this

direction shall not be construed as a mandate of the Court for allotment of site to respondent No.1 de hors the relevant statutory provisions and the policy, if any, framed by the State Government.

It is also made clear that if respondent No.1 or any of its functionaries operate the industry at the present site, the concerned authority of the Board shall have to file a petition for initiation of proceedings under the Contempt of Courts Act, 1971.

G.S.SINGHVI, CJ

Dt.30.6.2006

G.V.SEETHAPATHY,J

Msv/grr